

REMARKS

In response to the Notice of Non-Compliant Amendment mailed July 5, 2005, the Amendment filed on April 11, 2005, has been revised to meet the requirements of 37 CFR 1.121. Specifically, the status identifier for claims 1, 6, 10-12, 15, 20, and 24-26 have been changed to read "Currently Amended". The remarks contained in the Amendment filed April 11, 2005, are reproduced below.

This is in response to the first Office Action of December 16, 2004. By this Amendment, claims 1, 6, 10, 11, 12, 15, 20, 24, 25, and 26 have been amended. No claim has been cancelled and thus claims 1-28 remain in the application for further examination. Of these claims, claims 1 and 15 are in independent form.

Filed separately herewith is a Petition for a one-month extension of time along with payment in the amount of the \$60.00. If this amount is in error, the Patent and Trademark Office is authorized to debit or credit as appropriate the undersigned attorneys' Deposit Account No. 06-1358.

In the first Office Action, the Examiner indicated that claims 6, 8, 9, 20, 22 and 23 were objected as being dependent upon a rejected claim, but were otherwise in condition for allowance. Applicants would like to thank the Examiner for indicating the allowability of these claims.

In the first Office Action, the Examiner rejected claims 1, 2, 3-5, 7, 15-19 and 21 as anticipated by Barnes U.S. Patent No. 4,750,698. In addition, the Examiner rejected claims 10-14 and 24-28 as unpatentable over the Thalenfeld U.S. Patent No. 6,269,571, although it is believed that this rejection was based upon a combination of Thalenfeld with Barnes based upon the comments set forth by the Examiner. For the reasons set forth herein, it is respectfully submitted that both the Barnes and Barnes and Thalenfeld combination does not disclose the subject matter claimed in the original claims 1-28, and particularly is distinct from the claims as now amended.

The primary reference that must be distinguished is the Barnes patent. Although Barnes discloses what is called a hook back with a forwardly extending merchandise support hook mounted therein, Barnes does not disclose the novel label holder assembly of the present invention. Instead, Barnes discloses a two-piece unit with a distinct top information hook 13 that is placed in a separate hook support 18. The hook support is mounted on the hook back. By contrast, in the present invention, the label holder assembly 40 is a unitary or one-piece assembly having a pair of spaced legs 43 that are integral with the label holder arm 44. A label holder mounting bar 45 is similarly integral with the label holder arm 44. This one-piece assembly is then inserted into the hook back. Barnes, by contrast, requires two separate elements, including a separate scanner hook adaptor and an information hook 13.

The claims have now been amended to further emphasize the distinctions. Specifically, claim 1 has been amended to recite a “one-piece” label holder assembly, including a pair of spaced legs integral with a label holder arm at a proximal end of the arm and a label holder mounting bar integral with the label holder arm at the distal end of the arm. Independent claim 15 includes similar limitations, but recites the label holder assembly as a “unitary” label holder assembly.

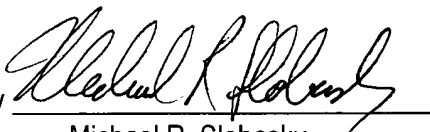
Dependent claim 11 further recites the label holder mounting bar as comprising a cross bar and recites the label holder to include a spring clip to be resiliently engaged over the cross bar. Dependent claim 14 recites the cross bar to include a generally planar front face and an arcuate rear face with the spring clip being arcuate and engaged over the arcuate face of the cross bar, whereby the planar front face of the cross bar engages the planar rear face of the body panel. This precludes rotation between the label holder and the cross bar. This arrangement, also recited in dependent claim 28, is nowhere shown in the references of record and particularly the Thalenfeld patent cited by the Examiner as a secondary reference. Indeed, Thalenfeld does not disclose an arrangement combined with a hook back assembly and to combine Thalenfeld with

Barnes is not suggested by the references themselves. In any event, the deficiencies of the primary reference to Barnes are not found in the Thalenfeld patent, even if the combination could be made.

Thus, this application is now in condition for allowance. Should the Examiner have any questions after reviewing this Amendment, the Examiner is cordially invited to telephone the undersigned attorneys.

Respectfully submitted,

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